

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISAAC PETTIGREW,

Plaintiff,

-against-

FIRSTSOURCE ADVANTAGE LLC,

Defendant.

24-CV-3538 (JGLC)

ORDER OF SERVICE

JESSICA G. L. CLARKE, United States District Judge:

Plaintiff Isaac Pettigrew, of New York, New York, who is appearing *pro se*, brings this action under the Fair Credit Reporting Act. He sues Firstsource Advantage LLC (“Firstsource”). Plaintiff seeks declaratory relief and damages. His amended complaint is the operative pleading for this action. ECF No. 5.

By order dated May 9, 2024, the court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. The Court directs service on Firstsource.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on assistance from the Court and the United States Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

¹Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the amended complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date that a summons is issued.

To allow Plaintiff to effect service on Firstsource through the United States Marshals Service, the Clerk of Court is instructed to fill out a United States Marshals Service Process Receipt and Return form (“USM-285 form”) for Firstsource. The Clerk of Court is further instructed to issue a summons for Firstsource and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Firstsource.

If the amended complaint is not served within 90 days after the date that a summons for Firstsource is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).


Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff. The Court also directs the Clerk of Court to issue a summons for Firstsource Advantage LLC, complete a USM-285 form with the service address for that defendant, and deliver all documents necessary to effect service of a summons and the amended complaint (ECF No. 5) on that defendant to the United States Marshals Service.

SO ORDERED.

Dated: June 11, 2024
New York, New York



JESSICA G. L. CLARKE
United States District Judge

SERVICE ADDRESS FOR DEFENDANT

Firstsource Advantage LLC
c/o CT Corporation System
28 Liberty Street
New York, New York 10005